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|-----------------|-------------|----------------------|---------------------|------------------|
| 09/541,393      | 03/31/2000  | Roy T. Hashimoto     | ERT-008             | 3987             |

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EXAMINER

PHILIPPE, GIMS S

ART UNIT PAPER NUMBER

2613

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/541,393

Applicant(s)

HASHIMOTO, ROY T.

Examiner

Gims S Philippe

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 16-19, 21, 24 and 29-32 is/are rejected.
- 7) ☐ Claim(s) 7-15, 20, 22, 23 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

### **DETAILED ACTION**

This is a first action in response to application no. 09/541,393 filed on March 31, 2000 in which claims 1-32 are presented for examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 16-19, 21, 24 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCutchen (US Patent no. 6,141,034) in view of Miller (US Patent no. 6,118,595).

As per claims 1-3, 6, 24 and 29-31, McCutchen discloses an outward facing camera system comprising a plurality of equatorial cameras distributed evenly about an origin in a plane (See McCutchen fig. 55, and col. 55, lines 12-30).

It is noted that although McCutchen discloses a plurality of camera located at the poles (See fig. 56 and col. 55, lines 53-67), it is silent about the use of polar camera as claimed.

However, Miller discloses using polar cameras (See Miller fig. 1, camera 10, and col. 3, lines 66-67 and col. 4, lines 1-48).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying McCutchen multiple cameras by incorporating Miller's polar cameras in the outward facing camera system. The motivation for performing such modification in McCutchen is to provide without repetition all four-pi radian which gives a spherical view of the object as taught by Miller (See Miller col. 2, lines 25-56).

As per claims 4 and 25, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, McCutchen further discloses a first camera is offset approximately 90 degrees from a second equatorial camera (See McCutchen fig. 54, and col. 54, lines 64-67 and col. 55, line 1).

As per claims 5 and 21, most of the limitations of this claim have been noted in the above rejection of claim 1. In addition, McCutchen further discloses each equatorial camera being offset from an adjacent equatorial camera by the same equatorial adjacent angle (See McCutchen col. 56, lines 17-48).

As per claims 16-18 and 32, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, McCutchen further teaches tilted equatorial cameras perpendicular and below the plane (See McCutchen col. 55, lines 39-47).


As per claim 19, McCutchen further discloses the cameras as being video cameras  
(See McCutchen's Abstract).

3. Claims 7-15, 20, 22-23, 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2613  
**GIMS S. PHILIPPE  
PATENT EXAMINER**

GSP

June 12, 2003